



APPLICATION ACCEPTED: August 24, 2012
PLANNING COMMISSION: June 27, 2013

County of Fairfax, Virginia

June 11, 2013

STAFF REPORT

APPLICATION FDPA 94-H-011

HUNTER MILL DISTRICT

APPLICANT:	William and Whitney Babash
ZONING:	PDH-4
PARCEL(S):	25-2 ((17)) 48
ACREAGE:	5,319 square feet (sf)
PLAN MAP:	Residential; 4-5 du/ac
PROPOSAL:	Amend FDP 94-H-011 previously approved for residential development on 25.21 acres to modify the rear setback requirement on Lot 48 of The Courts of Fox Mill subdivision to 4.5 feet to permit an existing deck to be enclosed.

STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 94-H-011, subject to the development conditions contained in Appendix 1.

It should be noted that it is not the intent of the staff to recommend that the Planning Commission, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Joe Gorney

**Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service**

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Planning Commission.

The approval of this rezoning does not interfere with, abrogate, or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Final Development Plan Amendment

FDPA 94-H-011



Applicant:
Accepted:
Proposed:

WILLIAM AND WHITNEY BABASH
08/24/2012
AMEND FDP 94-H-011 TO MODIFY SETBACK
REQUIREMENTS ON LOT 48

Area:

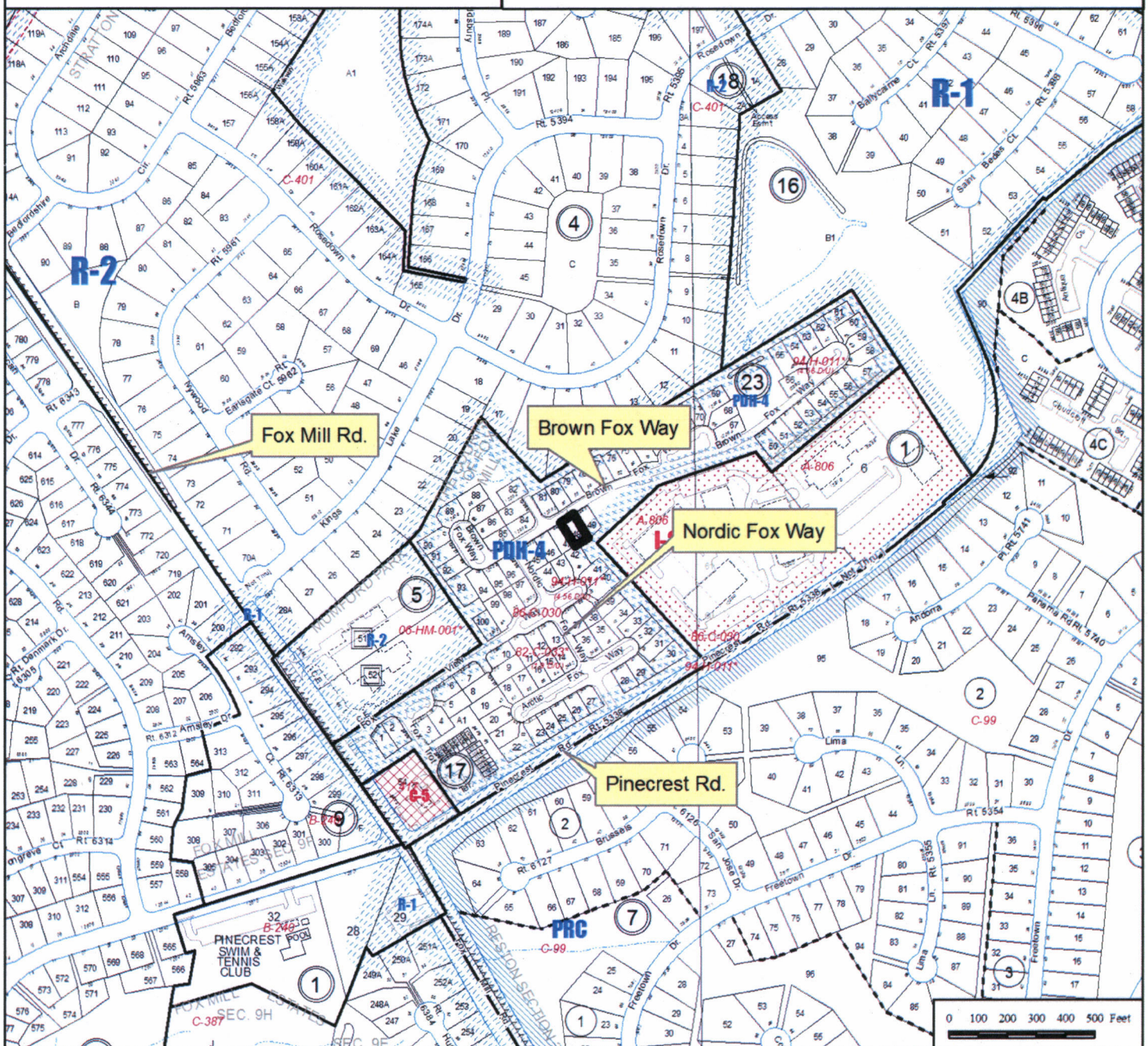
5319 SF OF LAND;
DISTRICT - HUNTER MILL

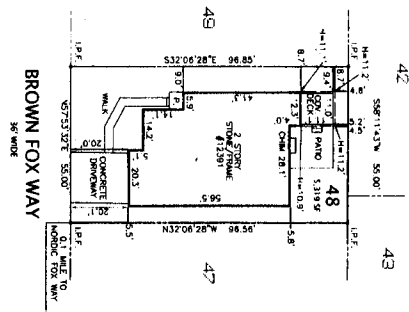
Located:
Zoning:

12391 BROWN FOX WAY, RESTON, VA 20191
PDH- 4


Map Ref Num:

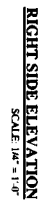
025-2- /17/ /0048





PLAT
SHOWING SETBACK CERTIFICATION ON
LOT 48
THE COURTS OF FOX MILL
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20'
JAN 05, 2012

44-38861-5 7-1-80	COLLEGE	MAJOR	COURSE DATA
	UNIVERSITY OF VIRGINIA 100 UNIVERSITY DRIVE CHARLOTTESVILLE, VA 22904	DEPARTMENT OF THE HISTORY AND POLITICAL SCIENCE 100 UNIVERSITY DRIVE CHARLOTTESVILLE, VA 22904	COURSE DATA
ALEXANDRIA SURVEYS, LLC 100 UNIVERSITY DRIVE CHARLOTTESVILLE, VA 22904	ALEXANDRIA SURVEYS, LLC 100 UNIVERSITY DRIVE CHARLOTTESVILLE, VA 22904	ALEXANDRIA SURVEYS, LLC 100 UNIVERSITY DRIVE CHARLOTTESVILLE, VA 22904	ALEXANDRIA SURVEYS, LLC 100 UNIVERSITY DRIVE CHARLOTTESVILLE, VA 22904



NOTE:
ADDITION IS NOT VISIBLE FROM THE FRONT

WILLIAM & WHITNEY BABASH
12391 BROWN FOX WAY
RESTON, VA 20191

San Diego Remodeling Specialists, Inc. 17991-B Burke Center Parkway, Burke, VA 22015

REVISION RECORD:	DATE:	CHRYSTOPHER DOWNS 7/1/10 San Jose go Homecoming 15100 Buena Vista Pkwy. Redwood City, CA 94061 (925) 423-3330, 4189 downd@earthlink.net
REVISED PER REVIEW AGENCY COMMENTS	5/23/2013	

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

APPLICATION DESCRIPTION

The applicants, William and Whitney Babash, request approval of an amendment to the final development plan associated with RZ 94-H-011 to modify the rear setback requirement on Lot 48 of The Courts of Fox Mill subdivision to 4.5 feet to enclose an existing roofed deck with screening.

LOCATION AND CHARACTER

Site Description:

The subject property is 5,319 square feet (sf) and is located on the east side of Brown Fox Way, approximately 1,000 feet east of Fox Mill Road. From Fox Mill Road, access to the site is provided by Fox View Way, to Nordic Fox Way, and to Brown Fox Way.

The property is zoned PDH-4 and is currently developed with a single-family detached house with a roofed deck. The deck is approximately 11 feet x 11 feet in area and 13.5 feet in height. The deck floor is approximately two feet above ground level.

The property abuts similar single-family detached houses to the west, north (across Brown Fox Way), and east. The deck area at the rear of the house generally abuts an open space area, with transitional screening to the south.

A summary of the surrounding land use, zoning, and comprehensive plan recommendations is provided in the following table:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Comprehensive Plan Recommendation
North	Single-Family Detached House	PDH-4	Residential at 4-5 du/ac
East	Single-Family Detached House	PDH-4	Residential at 4-5 du/ac
South	Open Space & Screening	PDH-4	Residential at 4-5 du/ac
West	Single-Family Detached House	PDH-4	Residential at 4-5 du/ac

The original rezoning application (RZ 94-H-011) was approved by the Board of Supervisors on March 13, 1995. The 25.21-acre project was approved for 115 single-family units, including both attached and detached units, at 4.56 dwelling units per acre. No Lot Typical, patio, or deck was depicted on the approved Conceptual/Final Development Plan for any of the lots. The Planning Commission approved the Final Development Plan on March 8, 1995.

Tabulation

1. EXISTING VEGETATION

2. EXISTING VEGETATION

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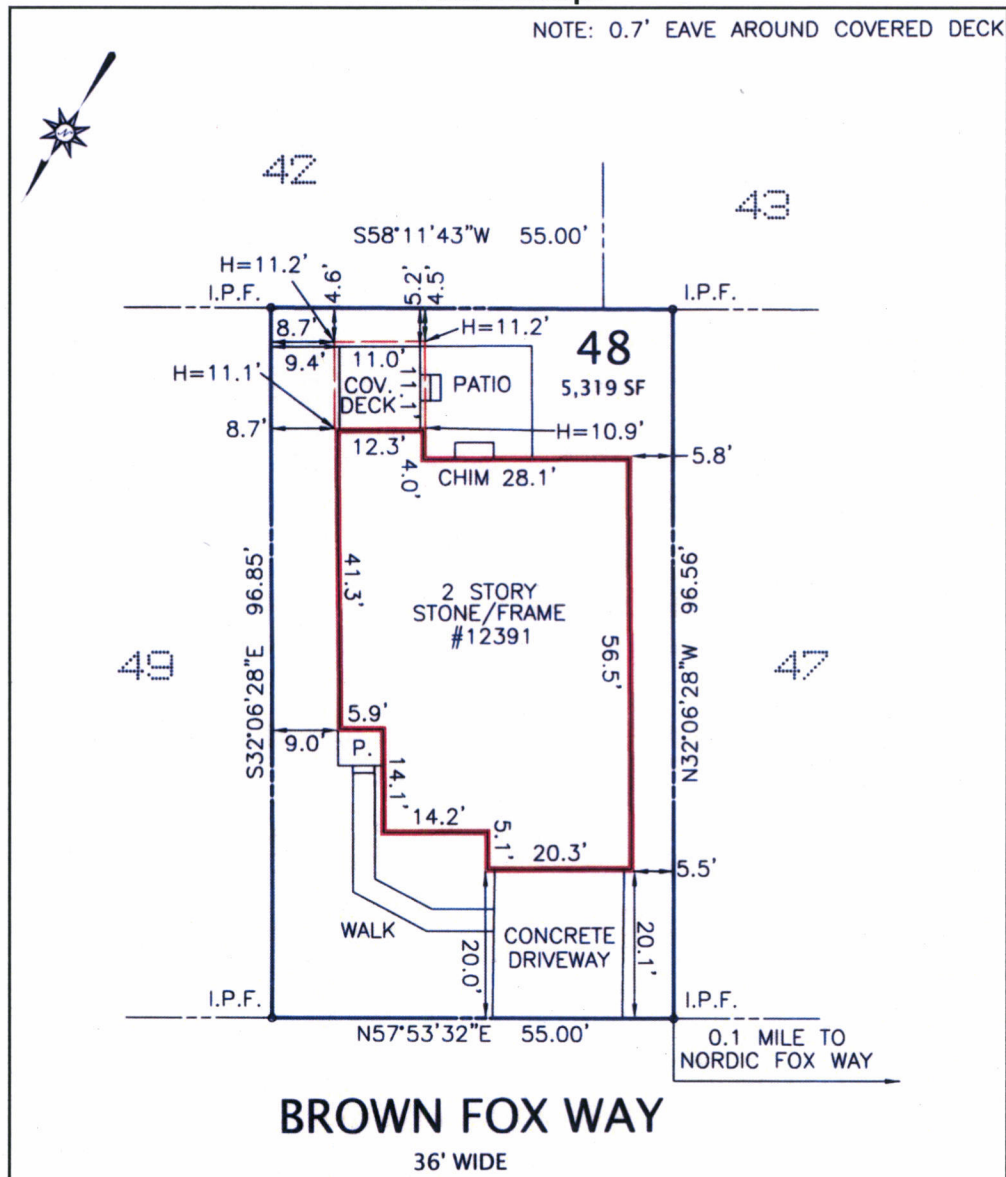
86. EXISTING VEGETATION

87. EXISTING VEGETATION

88. EXISTING VEGETATION

The principal structure was established 16.3 feet from the property line. Sun Design Remodeling received approval on December 2, 2011 for a roofed deck in the current location (Building Permit # 113360080). The deck is located 5.2 feet from the property line. The roof eave extends an additional 0.7 feet (4.5 feet from the property line). The lowest points of the eave corners range from 10.9 to 11.2 feet above the finished ground level.

Plan Excerpt



Existing Roofed Deck**COMPREHENSIVE PLAN PROVISIONS**

Plan Area: III
Planning District: Upper Potomac
Planning Sector: UP-5 Reston
Plan Map: Residential @ 4-5 du/ac
Plan Text:

Fairfax County Comprehensive Plan, 2011 Edition; Area III; Upper Potomac Planning District, Amended through 4-9-2013; UP-5 Reston Community Planning Sector; Page 169:

RECOMMENDATIONS**Land Use**

18. "The area west of the Reston Planned Residential Community in the vicinity of Pinecrest Road is mostly planned for residential use at 1-2 dwelling units per acre as shown on the Plan map. As an option, Parcels 25-2 ((5)) 53, 55, 56, 57, 58, and 59 may be appropriate for residential townhouse or patio-style development at 4-5 dwelling units per acre under the following conditions:

- Building heights should not exceed 35 feet;
- Effective visual screening and a substantial buffer is provided to protect adjacent single-family residential uses; and
- Access should be provided from both Pinecrest and Fox Mill Roads, as far from the intersection as possible."

"Parcels 26-1 ((1)) 5A, 5B, 5C, and 6 are planned for low intensity light industrial/R&D use at a maximum of .25 FAR [Floor Area Ratio] ... As an option, if consolidated, parcels 5A and 5C may also be considered for residential use at 4-5 dwelling units per acre provided that:

- Building heights do not exceed 35 feet;
- Effective visual screening and a substantial buffer is provided to protect adjacent existing and planned single-family residential uses; and
- Access is provided through the residentially planned and zoned area to the south and west. Access through the adjacent industrial/R&D use is not appropriate."

ANALYSIS

Final Development Plan Amendment: (copy at front of staff report)

Title: William & Whitney Babash
12391 Brown Fox Way
Reston, VA 20191

Prepared by: Sun Design Remodeling Specialists, Inc.

Dates: May 16, 2012, as revised through May 23, 2013

Number of Pages: 1

Proposal: The applicant seeks to modify the rear setback requirement on Lot 48 to 4.5 feet to enclose an existing roofed deck with screening and a screened door.

Existing Site Conditions: The project area includes a roofed deck.

Land Use Analysis

The application pertains only to a single 5,319 square-foot lot within the 25.21-acre The Courts of Fox Mill subdivision, previously approved under RZ 94-H-011. As stated above, the applicant seeks to modify the rear setback requirement on Lot 48 to 4.5 feet to enclose an existing roofed deck with screening.

The existing roofed deck was constructed in accordance with Article 2 of the Zoning Ordinance, which states, in part, that:

- "For lots in PDH ... Districts, the minimum required yard shall be deemed to be one-half of the distance of the yard that has been established by the location of the principal structure on a lot" (§2-412);
- For single-family detached dwellings, "[a]ny roofed deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows: ... Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line" (§2-412.2.C.(3)); and
- "Cornices, canopies, awnings, eaves or other similar features, all of which area at least ten (10) feet above finished ground level, may extend three (3) feet into any minimum required yard but not closer than two (2) feet to any lot line" (§2-412.1.A).

Additionally, the Zoning Ordinance states that "[a] roofed deck shall have no enclosure other than the side(s) of the principal building to which the deck is attached, the minimum required supports for the roof and a railing ..." (Fairfax County Zoning Ordinance, Definitions).

The proposed screening is considered a type of enclosure and would change the current structure from a roofed deck to an addition, necessitating a final development plan amendment (FDPA) to modify the rear setback requirement to 4.5 feet. Currently, the principal structure is located 16.3 feet from the rear lot line, with a minimum required yard of 8.1 feet.

Modifications to the existing roofed deck would entail the addition of screening and a screened door; no additional supports or railings would be added to the existing deck. These additions would not significantly alter the appearance of the covered deck, impact the aesthetics of the area, or alter views throughout the neighborhood. Enclosing the roofed deck would allow air circulation while protecting users from biting insects. The enclosure is expected to increase the utility of the roofed deck as a shaded outdoor living space and increase the applicant's use and enjoyment of the property.

The existing roofed deck was built over a brick patio and did not create any new impervious areas, alter the flow of rainwater, or change the grading. The proposed enclosure would not result in any changes to these conditions.

Staff concludes that the proposed enclosure would be in keeping with the character of the existing roofed deck, the residence, and the surrounding area.

Transportation Analysis (Appendix 7)

Fairfax County Transportation staff reviewed the application and found that the proposed enclosure would not create any additional impacts on the surrounding public street system and had no objection to approval of the subject application.

Public Works and Environmental Services Analysis (Appendix 8)

Staff of the Department of Public Works and Environmental Services reviewed the application and stated that, because land disturbance for the proposed enclosure appears to be less than 2,500 square feet (sf), no stormwater review was required.

ZONING ORDINANCE PROVISIONS**P-District Standards**

The subject site, which is zoned PDH-4, must comply with the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations, and Article 16, Development Plans.

Article 6

The provisions of Article 6 govern the appropriateness of the "P" District designation for the affected property and the larger subdivision. These provisions were deemed satisfied by the Board of Supervisors with the approval of the original rezoning application (RZ 94-H-011). The proposed FDPA does not conflict with the existing Conceptual Development Plan (CDP), development conditions (Appendix 4), or proffers (Appendix 5).

Article 16**Section 16-101 General Standards**

Section 16-101 contains six general standards that must be met by a rezoning or development plan amendment for a planned development.

General Standard 1 states that "[t]he planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions."

The character of the proposal conforms to the adopted comprehensive plan and does not increase the density above that permitted by the comprehensive plan.

General Standard 2 states that "[t]he planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district."

The proposal maintains the purpose and intent of the planned development district with the implementation of the proposed development conditions.

General Standard 3 states that "[t]he planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features."

The existing roofed deck was built over a brick patio and did not create any new impervious areas, alter the flow of rainwater, or change the grading. The proposed enclosure would not result in any changes to these conditions. There is no land disturbance associated with the proposal.

General Standard 4 states that "[t]he planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan."

The current proposal does not injure the use or value of adjacent properties. There are no undeveloped properties surrounding the property.

General Standard 5 states that "[t]he planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available."

The planned development is located where public facilities are available and adequate for the proposed use.

General Standard 6 states that "[t]he planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development."

The existing development provides coordinated linkages and connections at a scale appropriate to the development.

Staff concludes that the general standards were satisfied with the original rezoning of the site to the PDH-4 District. The enclosure of the roofed deck and the modification of the rear setback requirement would not affect the fulfillment of these standards.

Section 16-102 Design Standards

Design Standard 1 states that "[i]n order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, [and] PRC Districts the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration..."

Design Standard 2 states that "[o]ther than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments."

Design Standard 3 states that "[s]treets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities."

The design standards for planned developments as set forth in Section 16-102 of the Zoning Ordinance were satisfied with the original rezoning of the site to the PDH District. The lot is internal to the development and the roofed deck is located at the rear of the lot, such that approval of the proposed FDPA would not affect these standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the proposal for the addition of screening and a screened door to a roofed deck would not significantly alter the appearance of the covered deck, impact the aesthetics of the area, or alter views throughout the neighborhood. The enclosure would not result in any land disturbance and is expected to increase the utility of the roofed deck as a shaded outdoor living space and increase the applicant's use and enjoyment of the property.

Staff concludes that the proposed enclosure would be in keeping with the character of the existing roofed deck, the residence, and the surrounding area.

Staff concludes that the proposal is in harmony with the Comprehensive Plan and the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends that the Planning Commission approve FDPA 94-H-011 subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Planning Commission.

The approval of this FDPA does not interfere with, abrogate, or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Waiver Letter/Statement of Justification
4. Previously Approved Conceptual Development Plan Conditions
5. Previously Approved Proffers
6. Previously Approved Conceptual/Final Development Plan
7. Transportation Analysis
8. Public Works and Environmental Services Analysis
9. Zoning Ordinance Provisions
10. Glossary of Terms

FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS

FDPA 94-H-011

June 11, 2013

If it is the intent of the Planning Commission to approve Final Development Plan Amendment, FDPA 94-H-011, to modify the rear setback requirement on Lot 48 of The Courts of Fox Mill subdivision located at Tax Map 25-2 ((17)) 48 to 4.5 feet to permit an existing deck to be enclosed, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions. These development conditions shall be in addition to all previously approved development conditions applicable to the site.

1. Development of the property shall be in substantial conformance with the Final Development Plan Amendment entitled William and Whitney Babash, 12391 Brown Fox Way, Reston, VA 20191, prepared by Sun Design Remodeling Specialists, Incorporated, consisting of one sheet dated May 16, 2012, as revised through May 23, 2013.
2. The building materials for the enclosed deck shall be compatible with the building materials used for the existing dwelling.

The proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

REZONING AFFIDAVIT

DATE: 2-26-13
(enter date affidavit is notarized)

I, David G Paccassi, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

117824

in Application No.(s): FDPA 94-H-011
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
William S. Babash	12391 Brown Fox Way Reston VA 20191	Applicant/title owner
Whitney L. Babash	12391 Brown Fox Way Reston VA 20191	Applicant/title owner
SunDesign Remodeling Specialists, Inc.	5795 B Burke Center Parkway Burke VA 22015	Agent
David G Paccassi	" "	Agent
Doug H Dillard	" "	Agent

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

REZONING AFFIDAVIT

DATE: 2-26-13
(enter date affidavit is notarized)

117824

for Application No. (s): FDPA 94-H-011
(enter County-assigned application number(s))

- 1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Sun Design Remodeling Specialists, Inc. 5795 B Burke Center Parkway
Burke, VA 22015

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Robert M Gallagher
Craig S Durosko

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)

N/A

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

REZONING AFFIDAVIT

DATE: 2-26-13
(enter date affidavit is notarized)

117824

for Application No. (s): FDPA 94-14-011
(enter County-assigned application number(s))

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: 2-26-13
(enter date affidavit is notarized)

117824

for Application No. (s): FDPA 94-14-011
(enter County-assigned application number(s))1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: 2-26-13
(enter date affidavit is notarized)

117824

for Application No. (s): FDPA 94-14-011
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

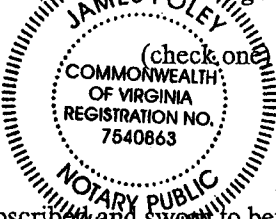
None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:



(check one)
☐ Applicant ☒ Applicant's Authorized Agent
David G Paccassi Agent
 (type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 26TH day of February 2013, in the State/Comm.
 of FAIRFAX VA., County/City of FAIRFAX

My commission expires: 12/31/2017

[Signature]
 Notary Public

Zoning Evaluation Division
Fairfax County
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

May 9, 2012

RECEIVED
Department of Planning & Zoning

MAY 16 2012

Zoning Evaluation Division

To Whom It May Concern,

I am writing this letter to request modification of the submission requirements to amend the CDP/FDP for 12391 Brown Fox Way Reston VA 20191. We are planning on converting an existing deck with a roof to a screen porch thus changing the existing deck with a roof into an addition. We would like to use the existing CDP/FDP with the supplemental documents I am providing in lieu of a new CDP/FDP.

We have spoken to the existing HOA and have gotten approval for this project. The client and the HOA are very excited about the completion of the project and the benefit that this project will give to the home owner. I have attached a copy of the approval from the HOA. The project has been designed to match the existing exterior look and feel of the existing house and is not disturbing any of the existing waivers that are on the existing CDP/FDP. With the approval of converting the existing deck with a roof into a screen porch the new area will be able to be used during more parts of the year with friends, family, and pets.

We are requesting a waiver of the vegetation map. We are also requesting a waiver of the storm water management studies and requirements. The deck was built over top of an existing brick pavers patio. The deck does not create any new impervious area or change the flow of the existing topography.

We are requesting modification of requirement #2 and #3 of the Synopsis of the submission requirements for rezoning application by using the the house location plat with attached meets and bounds.

This request will be using the existing development plans the comply with the development criteria of the adopted Comprehensive Plan of the County, for Area 3, the Reston Comprehensive plan sector of the Upper Potomac Plan District.

We are meeting all of the zoning requirements conforming to the provisions of all applicable ordinances, regulations and adopted standards .

There is no additional information the we would like to proffer in the consideration of this application.

Sincerely,



David G. Paccassi
Agent

540-316-8454

SUN DESIGN

703-425-5588

CONCEPTUAL DEVELOPMENT PLAN CONDITIONS

RZ 94-H-011

March 1, 1995

If it is the intent of the Board of Supervisors to approve rezoning application RZ 94-H-011 from the R-1, R-2 and I-2 to the PDH-4 Zoning District and the Conceptual Development Plan for residential development located at Tax Map 25-2 ((1)) 53, 55, 56, 57, 58 and 59 and Tax Map 26-1 ((1)) 5A and 5C, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. The construction of frontage improvements along the site's Fox Mill Road frontage shall be tied into the existing improvements completed in conjunction with development of Tax Map 25-2 ((5)) 54.
2. A minimum 200 square foot privacy yard shall be provided for each of the single family attached units.
3. All driveways associated with the single family detached units shall be a minimum of 20 feet in length.
4. Landscaping shall be provided in the open space area between the single family attached units and single family detached units consistent with the landscape treatment provided in other open space areas shown on the CDP/FDP.

PROFFERS

RZ 94-H-011

MARCH 10, 1995

Pursuant to Section 15.1-491(a), Code of Virginia, 1950 as amended, Pulte Home Corporation, the Applicant in RZ 94-H-011, filed for property identified as Tax Map 25-2 ((5)) 53, 55, 56, 57, 58, 59; 26-1 ((1)) 5A, 5B, (hereinafter referred to as to the "Application Property"), proffers, provided that the Board of Supervisors approves a rezoning of the application property to the PDH-4 District.

1. Conceptual/Final Development Plan. Development of the Application Property shall be in substantial conformance with the CDP/FDP, prepared by Dewberry & Davis, dated August 1, 1994, and revised through February 16, 1995.
2. Final Development Plan Amendment. Notwithstanding that the CDP/FDP is presented on four sheets and said CDP/FDP is the subject of Proffer 1 above, it shall be understood that the CDP shall be the entire plan shown on Sheet 1 relative to the points of access, the total number of units and general location of residential lots and common open space areas, and that the Applicant has the option to request a Final Development Plan Amendment ("FDPA") for elements other than CDP elements from the Planning Commission for all of or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance.
3. Minor Modifications. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the FDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the internal lot lines of the proposed subdivision at time of subdivision plan submission based on final house locations and building footprints. The Applicant shall maintain peripheral setback lines as shown on the CDP/FDP.
4. Fox Mill Road.
 - a. Dedication. Subject to Virginia Department of Transportation (VDOT) and Department of Environmental Management (DEM) approval, the Applicant shall dedicate and convey, in fee simple, to the Board of Supervisors right-of-way up to a width of sixty (60) feet from the existing centerline of Fox Mill Road along the Application Property's frontage as shown on the CDP/FDP. Dedication shall be made at time of recordation of the final subdivision plat or upon demand from either Fairfax County or VDOT whichever occurs first.
 - b. Construction. Subject to VDOT and DEM approval, the Applicant prior to issuance of the first residential use permit shall construct frontage

improvements to Fox Mill Road to consist of a half section measuring 35 feet from the existing centerline, as shown on the CDP/FDP.

- c. Sidewalk. The Applicant shall construct an eight (8) foot wide trail along the Application Property's Fox Mill Road frontage, as shown on the CDP/FDP.

5. Pinecrest Road.

- a. Dedication. Subject to VDOT and DEM approval, the Applicant shall dedicate and convey, in fee simple, to the Board of Supervisors right-of-way up to a width of thirty (30) feet from the existing centerline of Pinecrest Road along the Application Property's frontage as shown on the CDP/FDP. Dedication shall be made at time of recordation of the final subdivision plat approval or upon demand from either Fairfax County or VDOT whichever occurs first.

- 6. Density Credit. Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 5 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of subdivision plan approval.

- 7. Traffic Signal. The Applicant shall escrow funds to DEM for the applicant's pro-rata share as determined by DEM of a traffic signal to be installed by others at the intersection of Fox Mill Road and Pinecrest Road. This escrow shall expire five (5) years from the issuance of the last residential use permit (RUP) if no signal is warranted and all escrowed funds shall be released upon request by the applicant. The pro-rata share is to be determined by DEM based upon the traffic volumes generated by the property.

- 8. Recreation Facilities. The Applicant shall comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance regarding developed recreational facilities by providing a tennis court in the area identified on the CDP/FDP as Active Recreation and as shown on Sheet 2 of the CDP/FDP.

- 9. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping shown on the CDP/FDP and as shown on Sheet 2 entitled "Open Space Enlargements" and on Sheet 3 entitled "Street Tree and Buffer Enlargements" as determined by the Urban Forester.

The applicant shall coordinate with the contiguous property owners of Stratton Woods Lots 16, 17, 19-23 and provide copies of a draft proposed landscape plan for the periphery of the site adjacent to these lots prior to submission of the landscape plan to Fairfax County. The applicant shall work with these contiguous property

owners in the preparation of said proposed landscape plan which shall show the existing vegetation that can be preserved and any supplemental plantings.

10. Building Heights. The building heights of the proposed patio-style single-family detached units shall not exceed 30 feet. The building height of the single family attached units shall not exceed 35 feet.
11. Stormwater Management. The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMP) in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance. The stormwater management/BMP dry pond facilities shall be constructed in the general locations as shown on the CDP/FDP.
12. Private Streets. The private streets shall be constructed in conformance with the Public Facilities Manual standard TS-5A with a minimum thirty (30) foot easement and minimum twenty-four (24) foot pavement width. Said private streets shall be constructed with materials and depth of pavement consistent with Section 7-0502 of the Public Facilities Manual. Sidewalks will be provided on one or both sides of the private streets as required by DEM.
13. Private Street Maintenance. Prior to record plat approval, the applicant shall escrow for the benefit of the homeowners association \$100.00 per unit for a private street maintenance fund. The homeowners association's budget shall include annual contributions to this fund. Using the Board of Supervisors' approval date of the rezoning application as the base date, this amount shall be adjusted according to the Consumer Cost Index as published in the Engineering News Record by McGraw-Hill.
14. Architecture. The building elevations for the proposed patio-style single family detached homes shall be consistent with the conceptual elevations shown on Sheet 4 of the CDP/FDP, or of a comparable quality as determined by DEM.
15. Affordable Dwelling Units (ADU's). The architectural treatment, color and materials of the proposed ADU's shall be compatible with the proposed patio-style single-family detached units. The privacy yards for the ADU's shall be enclosed.
16. Limits of Clearing and Grading. The applicant shall conform to the limits of clearing and grading shown on the CDP/FDP, subject to the installation of utilities.
17. Tree Preservation. At the time of subdivision plan(s) submission, the applicant shall coordinate with the Urban Forester to maximize tree preservation within the buffer areas located along the northern and southern property lines as shown on the CDP/FDP. The applicant shall make every effort to preserve existing quality vegetation to the extent feasible which is located in the northern portion of the site in the area immediately adjacent to Stratton Woods Lots 16,17, 19-23 so long as it

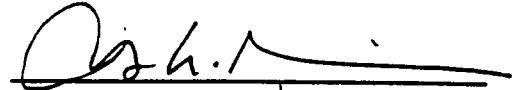
does not preclude the development of the proposed stormwater management pond and the patio-style single-family detached units shown on the CDP/FDP. Supplemental plantings shall be provided within these areas to produce an effective year-round screen as approved by the Urban Forester.

18. Stratton Woods Pond. Covenant and restrictions recorded for the homeowners association shall include the restriction that the existing wet pond located within Section 3 of Stratton Woods is not a recreational amenity for the future residents of the proposed development. This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney.
19. Heritage Resources. The applicant shall have a Phase I Archaeological Study of the property conducted prior to development which shall be submitted to the County Archaeologist. If determined necessary by the County Archaeologist, the applicant shall provide funds to the County, at time of subdivision plan approval, for Phase II and Phase III archaeological studies, up to a maximum limit of \$5,000. Using the Board of Supervisors' approval date of the rezoning application as the base date, this amount shall be adjusted according to the Consumer Cost Index as published in the Engineering News Record by McGraw-Hill.
20. Successor and Assigns. These proffers will bind and inure to the benefit of the Applicant and his or her successors and assigns.

(SIGNATURE BEGIN ON NEXT PAGE)

Applicant/Contract Purchaser:

PULTE HOME CORPORATION



Attorney In Fact
for Pulte Home Corp.

By: Robert K. Davis

Attorney-in-Fact for
Pulte Home Corporation

(SIGNATURES CONTINUE ON NEXT PAGE)

Owners:

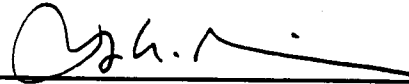
RBV RESTON, INC.
Owner of Tax Map 26-1 ((1)) 5A,
5C

George G. Boteler
By: George G. Boteler, President

(SIGNATURES CONTINUE ON NEXT PAGE)

WONG LIMITED
PARTNERSHIP

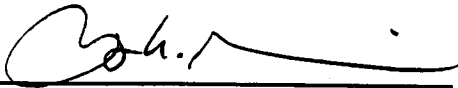
Owner of Tax Map 25-2 ((5)) 57,
58




Attorney In Fact
For Wong Partnership
By: Robert K. Davis
Attorney-in-fact for
Wong Limited Partnership

(SIGNATURES CONTINUE ON NEXT PAGE)

RUTH D. SPRUNK, TRUSTEE
H. JOHN ELLIOTT, JR.,
TRUSTEE
Owner of Tax Map 25-2 ((5)) 53



Attorney In Fact
Per Ruth D. Sprunk, Trust
By: Robert K. Davis
Attorney-in-fact for
Ruth D. Sprunk, Trustee




Attorney In Fact
Per John Elliott, Jr., Trust
By: Robert K. Davis
Attorney-in-fact for
H. John Elliott, Jr., Trustee

(SIGNATURES CONTINUE ON NEXT PAGE)


OWNER OF TAX MAP 25-2 ((5))

55


By: Constantine H. Wilson

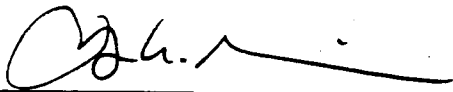
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PAUL F. BECKETT
GRACE E. BECKETT
OWNERS OF TAX MAP 25-3
((5)) 56


Attorney in Fact
for Paul F. Beckett & Grace E. Beckett
By: Robert K. Davis
Attorney-in-Fact for
Paul F. Beckett and
Grace E. Beckett

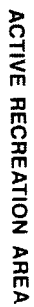
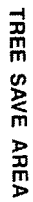
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STEVEN C. COX
AVIS A. RENSHAW
OWNERS OF TAX MAP 25-2
((5)) 59

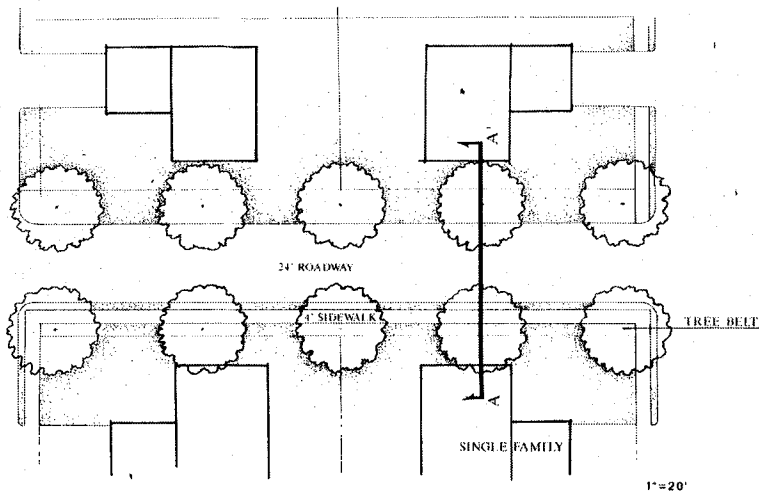


Attorney in Fact
for Steven C. Cox & Avis A.
By: Robert K. Davis Renshaw
Attorney-in-Fact for
Steven C. Cox and
Avis A. Renshaw

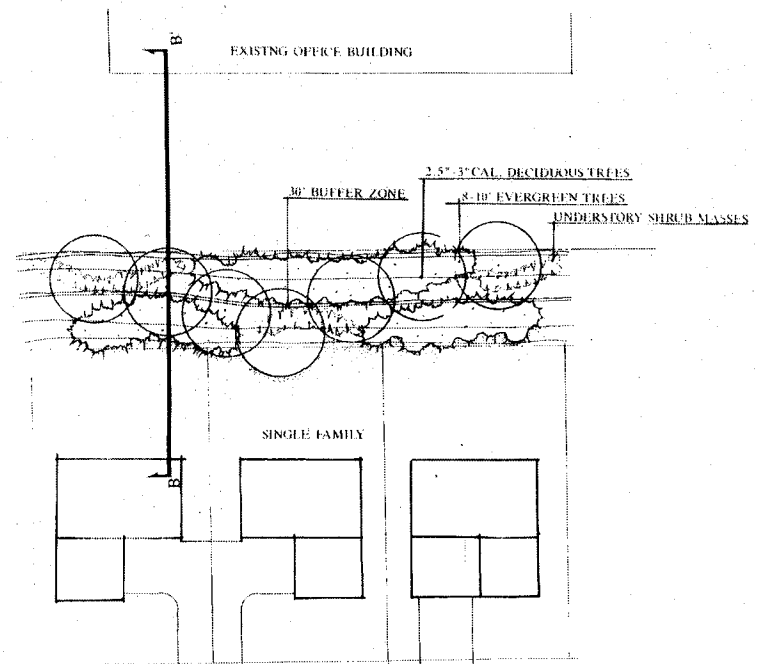
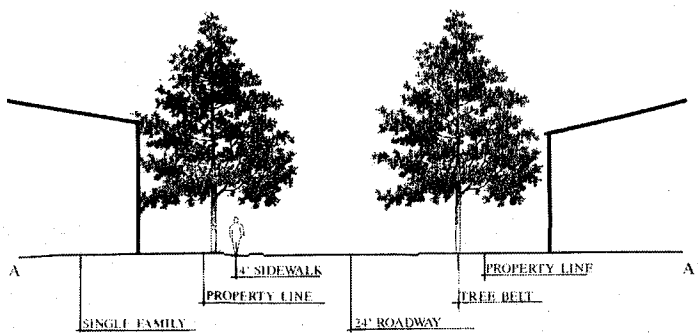
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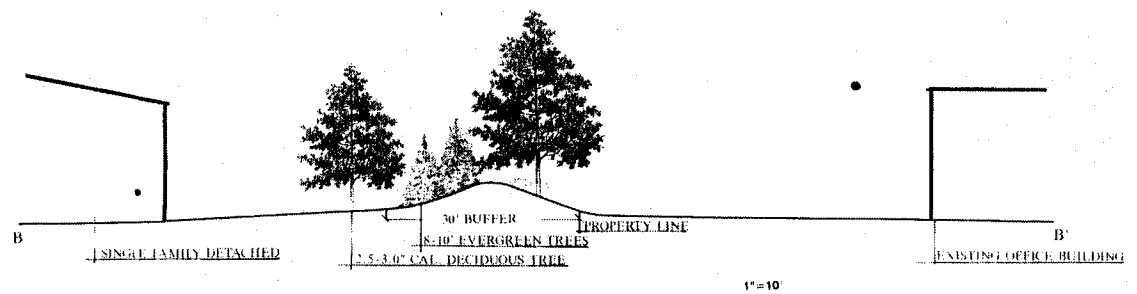
NOTE: FOR ILLUSTRATIVE PURPOSES ONLY



TYPICAL STREETSCAPE



BERM / SCREEN SECTION



Application No. RZ 94-H-011 / FDP 94-H-011

APPROVED DEVELOPMENT PLAN

City () County () State ()

2-2 PROPOSED CONDITIONS

3/13/95

3/13/95

Sheet 3 of 8



Approved Development Plan
 7/1/95 (CD) (CD) (CD)
 1. PROPOSED CONDITIONS
 2. APPROVED
 3/13/95
 Date: 4/1/95

REV. 2/18/95
 REV. 1/9/95
 REV. 12/8/94

THESE SKETCHES ARE SHOWN FOR ILLUSTRATIVE PURPOSES
 ONLY AND ARE SUBJECT TO CHANGE WITH FINAL DESIGN

DEVEREAUX & ASSOCIATES, INC. 1000 N. 10TH AVE., SUITE 100, DENVER, CO 80202

Deveraux & Associates
 ARCHITECTS

DEVEREAUX & ASSOCIATES, INC. IS AN EQUAL OPPORTUNITY FIRM. WE DO NOT DISCRIMINATE ON THE BASIS OF RACE, SEX, AGE, RELIGION, NATIONAL ORIGIN, OR HANDICAP. WE ARE AN AFFIRMATIVE ACTION EMPLOYER.



County of Fairfax, Virginia

MEMORANDUM

DATE: September 27, 2012

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

SUBJECT: Transportation Impact

REFERENCE: FDPA 94-H-011; William and Whitney Babash
Land Identification Map: 25-2((17))0048

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on the informational packet made available to this department on September 25, 2012.

The proposed application to construct a sunroom to the existing dwelling would not create any significant additional impacts on the surrounding public street system. Therefore, this department would not object to the approval of the subject application.

AKR/mdg

Gorney, Joseph

From: Dhakal, Thakur P.
Sent: Friday, October 26, 2012 1:07 PM
To: Gorney, Joseph
Cc: Baig, Shahab
Subject: FDPA 94-H-011, Tax Map #025-2-17-0048, LDS Plan #9108-ZONA-001-1

Joe,

I reviewed the FDPA application mentioned above. It appears that the land disturbance for the proposed addition will be less than 2,500 sf. No Stormwater review is required if the land disturbance is less than 2500 square feet.

Please contact me if you have any questions.

Thank you,

Thakur Dhakal, P.E.

Senior Engineer III

DPWES-LDS-SDID

☎ 703-324-1720 ✉ thakur.dhakal@fairfaxcounty.gov 🌐 <http://www.fairfaxcounty.gov/>

ZONING ORDINANCE PROVISIONS

16-101 General Standards

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, PRC Districts the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. In the PTC District, such provisions shall only have general applicability and only at the periphery of the Tysons Corner Urban Center, as designated in the adopted comprehensive plan.
2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan, or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

APPENDIX 10

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

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Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon

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or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

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Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		